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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHANCE SIMS and NOVELLA COLEMAN,

11 Plaintiffs,

12 v.

13 LAKESIDE SCHOOL,

14 Defendant.

CASE NO. C06-1412RSM

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR PROTECTIVE ORDER
AND EXTENSION OF TIME

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16 This matter comes before the Court on defendant Lakeside's motion for protective order
17 and for an extension of time to comply with the Court's August 17, 2007 Order. (Dkt. #163).
18 This Court's Order required defendant to comply with plaintiff's request for production ("RFP")
19 No. 54. RFP No. 54 requested defendant to produce various e-mail messages contained on the
20 computers of 92 current and former employees. Defendant indicates that as of August 31, 2007,
21 only 37 employees have responded to Lakeside. Therefore defendant asks for an extension of
22 time to comply with the Order. Additionally, defendant argues that plaintiffs should share the
23 technical costs associated with the production of the e-mail.

24 Defendant also indicates that confidential and sensitive documents will be produced to
25 plaintiffs as a result of this discovery request. Defendant argues that all documents produced
26 should either be: (1) designated as presumptively confidential; or (2) that plaintiffs should mark
27 individual documents as confidential if they file such documents with the Court or disclose to a
28 third party.

1 Plaintiffs argue that designating these documents as presumptively confidential place an
2 undue burden on plaintiffs, because they have no way of knowing the identity or birth date of
3 individuals mentioned in the documents. Plaintiffs do not respond to defendant's extension of
4 time argument.

5 Having reviewed defendant's motions, plaintiffs' responses, defendant's replies, the
6 exhibits and declarations attached thereto, and the remainder of the record, the Court hereby
7 finds and ORDERS:

8 (1) Defendant's Motion for Protective Order and Extension for Time is GRANTED IN
9 PART and DENIED IN PART. Pursuant to Federal Rule of Civil Procedure 6(b), "the court for
10 cause shown may at any time in its discretion [] with or without motion or notice order the
11 period enlarged if request therefore is made before the expiration of the period originally
12 prescribed or as extended by a previous order." Here, the Court finds good cause to extend the
13 deadline for defendant to comply with this Court's August 17, 2007 Order. Accordingly,
14 defendant is directed to produce all e-mail responsive to Request for Production No. 54 no later
15 than fourteen (14) days from the date of this Order. The Court disagrees with defendant that the
16 parties should share the costs associated with the minimal technical collection and conversion of
17 the e-mail. The financial responsibility of complying with this Order and the August 17, 2007
18 Order remains solely on defendant.

19 In addition, the Court agrees that defendant Lakeside will produce confidential
20 documents containing minor student names or sensitive non-party information when responding
21 to plaintiff's Request for Production No. 54. Therefore in the event that plaintiffs file such
22 documents with the Court or disclose them to a third party related to this litigation, the Court
23 ORDERS plaintiffs to mark such individual documents as confidential.

24 (2) The Clerk shall forward a copy of this Order to all counsel of record.

25 DATED this 21st day of September, 2007.

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27 RICARDO S. MARTINEZ
28 UNITED STATES DISTRICT JUDGE